

ORDINANCE NO. O-2017-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, ADOPTING THE HOUSING CHOICE VOUCHER PROGRAM'S VIOLENCE AGAINST WOMEN'S ACT (VAWA) POLICY AND TRANSFER PLAN AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, for many years, the U. S. Department of Housing and Urban Development has allocated funds through annual contribution contracts to the City of Tyler for housing assistance programs, along with administrative costs associated with such programs; and

WHEREAS, it is in the public interest that such proposed programs and policies be approved by Council, subject to approval and allocation by the U. S. Department of Housing and Urban Development; and

WHEREAS, the City of Tyler is proposing implementation of its Housing Choice Voucher Program's Violence Against Women's Act (VAWA) Policy and Transfer Plan.

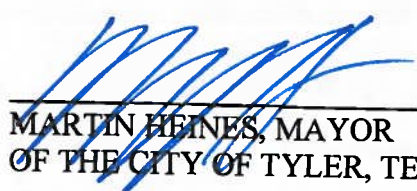
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the proposed program policy and transfer plan attached as Exhibit A be made a part hereof for all purposes and are hereby approved, subject to approval and allocation by the U. S. Department of Housing and Urban Development.

PART 2: That the City Manager, or his designee, is hereby authorized to submit the Housing Choice Voucher Program's Violence Against Women Act's Policy and Transfer Plan on or before the submission deadline.

PART 3: That this ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED this 24th day of May, A. D. 2017.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2017-45
Exhibit "A"
VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

I. PURPOSE AND APPLICABILITY

The purpose of this policy is to implement the requirements of the Violence Against Women Act (VAWA) with respect to the responsibilities of the Tyler Housing Agency (THA) regarding domestic violence, dating violence, sexual assault and stalking. This policy shall be applicable to all of the federally-subsidized housing programs administered by the THA and shall be part of the Housing Choice Voucher Administrative Plan. Protections under this policy are available to all victims regardless of sex, gender identity, or sexual orientation and will be applied consistent with all nondiscrimination and fair housing requirements.

II. GOALS AND OBJECTIVES

- A. Maintaining compliance with all applicable legal requirements imposed by VAWA
- B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault and stalking
- C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault and stalking
- D. Creating and maintaining collaborative arrangements between the THA, law enforcement authorities, victim service providers and others to promote the safety and well-being of victims of actual or threatened domestic violence, dating violence, sexual assault and stalking
- E. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, sexual assault and stalking affecting individuals assisted by the Tyler Housing Agency.

III. DEFINITIONS

- A. Domestic Violence - includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person who is living with or has lived with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that

person's acts under the domestic or family violence laws of the jurisdiction.

- B. Spouse or Intimate Partner - includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
- C. Dating Violence - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
- D. Sexual Assault - is any type of sexual contact or behavior that occurs without the explicit consent of the recipient, including when the individual lacks capacity to consent
- E. Stalking - engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's individual safety or the safety of others, or suffer substantial emotional distress
- F. Affiliated individual - with respect to an individual, means
 - (1) a spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
 - (2) any other person living in the household of that individual
- G. Perpetrator - a person who commits acts of domestic violence, dating violence, sexual assault, or stalking against a victim
- H. VAWA Self Petitioner - refers to noncitizens who claim to be victims of "battery or extreme cruelty." Battery or extreme cruelty includes domestic violence, dating violence, sexual assault, and stalking. VAWA allows these noncitizens to self-petition for Lawful Permanent Resident (LPR) status without the cooperation of or knowledge of their abusive relative

IV. NOTIFICATIONS PROVIDED

- A. All applicants and tenants of all THA Housing Programs will be provided HUD-5380, "Notification of Occupancy Rights Under the Violence Against Women Act (VAWA)" and HUD-5382, "Certification of Domestic Violence,

Dating violence, Sexual Assault, or Stalking and Alternate Documents" at the following times:

- (1) at time of denial of assistance or admission
- (2) at time of providing of assistance or admission
- (3) at any termination
- (4) at recertification or lease renewal

- B. These forms will be provided in the applicable language, if necessary, in accordance with Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency).

V. ADMISSIONS AND SCREENING

- A. Non-Denial of Assistance - The THA will not deny assistance or admission to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, provided that such person is otherwise qualified for admission.

- B. Mitigation of Disqualifying Information

- (1) An applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, may request that the THA take such information into account in mitigation of potentially disqualifying information, such as previous damage to a dwelling.
- (2) If requested by an applicant to take such mitigating information into account, the THA shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information.
- (3) The THA will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

VI. TERMINATION OF ASSISTANCE

- A. VAWA Protections

- (1) A voucher holder may not be denied assistance solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if

- a. the criminal activity is engaged in by a member of the household of the voucher holder or any guest or other person under the control of the tenant and
 - b. the voucher holder or an affiliated individual of the voucher holder is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking
- (2) An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be considered as a serious or repeated violation of the program by the victim or threatened victim or good cause for terminating the assistance, or occupancy rights of the victim or threatened victim of such incident.

B. Limitations of VAWA Protections

- (1) Nothing in the above section limits the THA to comply with a court order with respect to the rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking, or the distribution or possession of property among members of a household.
- (2) Nothing in the above section limits any available THA to terminate assistance to a voucher holder for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking. However, the THA will not hold to a more demanding standard, a voucher holder or an affiliated individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.
- (3) Nothing in the above section limits the THA to terminate from assistance any program participant or lawful applicant if
 - a. THA can demonstrate an actual and imminent threat to others on the premises or in the vicinity of the unit of the victim. This also applies to those employed at or providing service to the property, if the voucher holder is not evicted or terminated from the assistance, and
 - b. no other actions that could be taken to reduce the threat have been successful, including transferring the victim to a different unit, barring the perpetrator from the program, involving law enforcement, or seeking other legal remedies to prevent the perpetrator from acting on a threat.

VII. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

- A. Requirement for Verification.** Subject only to waiver as provided in paragraph D below, the THA shall require verification in all cases where an individual requests protection against an action involving domestic violence, dating violence, sexual assault, or stalking. Verification may be accomplished in one of three ways:
- (1) Completing HUD-5382, "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking"**
 - (2) Other documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the side effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury that the incident or incidents in question are bona fide and meet the requirements of the applicable definition set forth in this policy.**
 - (3) Police or court record - provided to the THA by federal, state, tribal, or local police or court record describing the incident or incidents in question.**
- B. Time Allowed.** An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking, and who is requested by the THA to provide verification, must provide such verification within 14 business days after receipt of the request for verification. Failure to provide verification, in proper form within such will result in loss of protection under VAWA and this policy against a proposed adverse action.
- C. If the THA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the THA has the right to request that the tenant provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. Failure to provide third-party documentation where there is conflicting evidence will result in loss of protection under VAWA and this policy against a proposed adverse action.**
- D. Waiver of verification requirement.** With respect to any specific case, the THA may waive the above-stated requirements for verification and provide

the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director/Housing Manager. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

VIII. NON-CITIZEN SELF-PETITIONER VERIFICATION

- A. Financial assistance to ineligible noncitizens will not be denied while verifying immigration status.
- B. Self-petitioners can indicate that they are in "satisfactory immigration status" when applying for assistance or continued assistance. "Satisfactory immigration status" means an immigration status which does not make the individual ineligible for financial assistance. After verifying such immigration status in the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) System, THA will make a final determination as to the self-petitioner's eligibility for assistance.
- C. In order to qualify, the noncitizen victim must have been battered or to extreme cruelty by their spouse or parent, who is a U.S. citizen or LPR (Lawfully Permanent Resident).
- D. Once THA receives a self-petition (INS Form I-360 or I-130) or INS Form 797, THA will not request any additional information from the VAWA self-petitioner, other than what is required using the SAVE system to complete the verification.
- E. When a THA receives a self-petition or INS Form 797 Notice of Action, the THA will initiate verification in the SAVE System
- F. Final determination from the SAVE System. THA will receive one of two confirmations:
 - (1) the VAWA self-petition is verified, in which case the applicant is immediately eligible for housing and no evidence of battery or extreme cruelty shall be requested or collected;
 - (2) the I-130 is verified, in which case the petitioner submitting a family-based visa petition must provide to the THA any evidence of "battery or extreme cruelty."
- G. Housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of LPR (Lawful Permanent Resident) status is made. If the

final determination is to deny the VAWA self-petition or LPR petition, the THA must alert the petitioner and take actions to terminate voucher assistance or evict the petitioner from public housing in accordance with the existing public housing requirements.

IX. EMERGENCY TRANSFER PLAN

A. Eligibility for Transfer

In accordance with the Violence Against Women Act (VAWA), THA allows participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from their current unit to another unit, regardless of sex, gender identity, or sexual orientation. The ability of the THA to honor such request for tenants currently receiving assistance may depend upon

- (1) a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, and
- (2) on whether another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

B. Requesting a transfer

- (1) To request an emergency transfer the participant shall notify the agency and submit a written request for a transfer (HUD-5383). The THA will provide reasonable accommodations to this policy for individuals with disabilities. The participant's written request for an emergency transfer should include either:
 - a. A statement expressing that the participant reasonably believes that there is a threat of imminent harm from further violence if the voucher holder were to remain in the same dwelling unit assisted under the THA's program; or
 - b. A statement that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the voucher holder's request for an emergency transfer.
- (2) The THA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, the THA will act as quickly as possible to move a participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

- (3) Once the voucher holder locates another unit, the participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been moved. The THA may be unable to approve a particular unit if the participant cannot establish eligibility for that unit.
- (4) Portability - A Housing Choice Voucher (HCV)-assisted participant will not be denied portability to a unit located in another jurisdiction so long as the tenant has complied with all other requirements of the Housing Choice Voucher program and has moved from the unit in order to protect the health or safety of an individual member of the household who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.
- (5) The THA will assist the voucher holders in identifying housing providers who have safe and available units to which the participant could move.
- (6) the participant's request, the THA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

C. Safety and Security of Participants

- (1) Confidentiality - The THA will keep confidential any information that the voucher holder submits in requesting an emergency transfer, and information about the emergency transfer, unless the participant gives the THA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.
- (2) Pending processing of the transfer and the actual transfer, if it is approved and occurs, the participant is urged to take all reasonable precautions to be safe.
- (3) Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-

800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

- (4) Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.
- (5) Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

X. OTHER REMEDIES

A. Voucher Changes

- (1) The THA may change a voucher; that is, remove a household member from a voucher in order to terminate assistance to that member who engages in criminal activity related to of domestic violence, dating violence, sexual assault, or stalking. In such a case, it does not matter that the perpetrator was a signatory to the lease and the victim is allowed to stay in the unit or on the program.
- (2) In removing the perpetrator from the household, the THA will follow all federal, state and local eviction procedures.
- (3) If the terminated person was the eligible person in the household, the remaining tenants will be given 90 days from the date of bifurcation of the voucher to:
 - a. establish eligibility for the program they are currently under
 - b. establish eligibility under another program, or
 - c. find alternative housing

B. Efforts to promote housing stability

The THA will make every effort that is feasible and permissible to assist victims to remain in their units or other units that participate with the THA's Housing Choice Voucher Program and retain assistance.

C. Relationships with service providers

It is the policy of the THA to cooperate with organizations and entities, both private and governmental that provide shelter and/or services to victims of domestic violence. If the THA becomes aware that an individual assisted by the THA is a victim of domestic violence, dating violence, sexual assault or stalking, the THA will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring the THA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence or to make a referral in any particular case. The THA's Annual Plan shall describe providers of shelter or services to victims of domestic violence with which the THA has referral or other cooperative relationships.

ATTACHMENT I

LOCAL RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

East Texas Crisis Center
2401 Hughey Dr, Tyler, TX 75701
(903) 509-2526

Smith County District Attorney's Office
100 N Broadway Ave # 400, Tyler, TX 75702
903-590-1720

Tyler Police Department
711 W Ferguson St, Tyler, TX 75702
903-531-1090

ATTACHMENT II

Tyler Housing Agency

Notice of Occupancy Rights under the Violence Against Women Act¹

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees the City of Tyler's Housing Choice Voucher Program and its compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

Protections for Applicants

If you otherwise qualify for assistance under the Tyler Housing Agency's Housing Choice Voucher Program, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

¹ Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Protections for Tenants

If you are receiving assistance under the Tyler Housing Agency's Housing Choice Voucher Program, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under the Tyler Housing Agency's Housing Choice Voucher Program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

The Tyler Housing Agency may make changes to your voucher in order to remove the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If the Tyler Housing Agency chooses to remove the abuser or perpetrator, Tyler Housing Agency may not take away the rights of eligible participants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole program

participant to have established eligibility for assistance under the program, the Tyler Housing Agency must allow the participant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, Tyler Housing Agency must follow Federal, State, and local eviction procedures. In order to make decisions regarding the voucher, the Tyler Housing Agency may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, Tyler Housing Agency may permit you to move to another unit and still keep your assistance. In order to approve a request, Tyler Housing Agency may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.

If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

(2) You expressly request the emergency transfer. Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

Tyler Housing Agency will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

Tyler Housing Agency's emergency transfer plan provides further information on emergency transfers, and the Tyler Housing Agency must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

Tyler Housing Agency can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from the Tyler Housing Agency must be in writing, and the Tyler Housing Agency must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. Tyler Housing Agency may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to Tyler Housing Agency as documentation. It is your choice which of the following to submit if Tyler Housing Agency asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by Tyler Housing Agency with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental

health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.

- Any other statement or evidence that Housing Agency has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, Tyler Housing Agency does not have to provide you with the protections contained in this notice.

If Tyler Housing Agency receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), Tyler Housing Agency has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, Housing Agency does not have to provide you with the protections contained in this notice.

Confidentiality

Tyler Housing Agency must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

Tyler Housing Agency must not allow any individual administering assistance or other services on behalf of Tyler Housing Agency (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

Tyler Housing Agency must not enter your information into any shared database or disclose your information to any other entity or individual. Tyler Housing Agency, however, may disclose the information provided if:

- You give written permission to Tyler Housing Agency to release the information on a time limited basis.
- Tyler Housing Agency needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires Tyler Housing Agency or your landlord to release the information.

VAWA does not limit Housing Agency's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Participant Eligible for Occupancy Rights under VAWA Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, Tyler Housing Agency cannot hold participants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a

more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and your assistance terminated, if Tyler Housing Agency can demonstrate that not terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If Tyler Housing Agency can demonstrate the above, Tyler Housing Agency should only terminate your assistance if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report the Tyler Housing Agency's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with Fort Worth HUD Field Office 801 Cherry Street, Unit #45 Suite 2500 Fort Worth, TX 76102; (817) 978-5600.

For Additional Information

You may view a copy of HUD's final VAWA rule at

https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs?utm_medium=email&utm_source=govdelivery.

Additionally, the Tyler Housing Agency must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact the City of Tyler Housing Choice Voucher staff at 903-531-1303.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact the East Texas Crisis Center 2401 Hughey Dr, Tyler, TX 75701, 903-509-2526.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact East Texas Crisis Center 2401 Hughey Dr, Tyler, TX 75701, 903-509-2526.

Victims of stalking seeking help may contact East Texas Crisis Center 2401 Hughey Dr, Tyler, TX 75701, 903-509-2526.

Attachment: Certification form HUD-5382

ATTACHMENT III

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

HUD-5382

**SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

Purpose of Form: The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in

an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: _____
2. Name of victim: _____
3. Your name (if different from victim's): _____
4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____
6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____
8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

ATTACHMENT IV

EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC

U.S. Department of Housing
and Urban Development

OMB Approval No. 2577-0286
Exp. 06/30/2017

HUD-5383

VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or

individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____
2. Your name (if different from victim's) _____
3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____
6. Address or phone number for contacting the victim: _____
7. Name of the accused perpetrator (if known and can be safely disclosed): _____
8. Relationship of the accused perpetrator to the victim: _____
9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____